

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-218984

DATE: December 18, 1985

MATTER OF: Mary V. Embry

DIGEST:

Employee on temporary duty claims taxicab fares to travel to restaurants away from general area of her lodgings. Employee's claim is denied since record supports agency's determination that employee traveled to restaurant for reasons of personal preference and not because adequate facilities were unavailable in area of lodgings.

Ms. Mary V. Embry, an employee of the Internal Revenue Service, requests reconsideration of her claim denied by our Claims Group on April 14, 1985. The claim is for reimbursement of \$64.40 in taxicab fares she incurred to travel between her lodgings and restaurants for meals while on a temporary duty assignment. Because the expenditures were not necessary, since restaurant facilities were available in the vicinity of her temporary lodgings, the claim may not be paid.

From October 24, 1983, through November 4, 1983, Ms. Embry was on a temporary duty assignment to attend a training seminar at St. Ann, Missouri. For six of eleven evenings Ms. Embry used taxicabs to travel to restaurants outside the general area of her lodgings. On her original travel voucher filed with her agency, she justified these expenditures by stating that:

"The local cab fares were used to locate a suitable place to obtain a meal. There were no places in the hotel area to have dinner without using some form of public transportation."

The Internal Revenue Service did not reimburse Ms. Embry for her taxicab fares because the agency did not consider the claimant's justification as providing a sufficient basis for paying the claim. The agency, however, did have Ms. Embry prepare a reclaim voucher for the taxicab

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fares and forwarded the claim to the Claims Group for settlement. The agency specified in its administrative report to the Claims Group that in reliance upon applicable law and regulation it had denied the claim because there were adequate eating facilities in the general area in which Ms. Embry lodged. Ms. Embry did not agree with this conclusion and her reclaim voucher stated that only fast food restaurants, inadequate for an evening meal, were in the general area of her lodgings.

The Claims Group agreed with the agency's determination and denied the claim.

In seeking this reconsideration, Ms. Embry again argues that there were no adequate facilities in the general area of the motel in which she lodged. Also, she stresses that the agency and Claims Group mistakenly considered her lodgings to be in St. Louis where there would be adequate facilities. She points out that St. Ann is not part of the city of St. Louis but is in North St. Louis County. To verify the location of her lodgings, she encloses a map in which St. Ann appears to be some miles from the center of St. Louis. She also encloses some pages from a travel book in which the hotels and motels for the city of St. Louis and North St. Louis County are listed separately.

Paragraph 1-2.3b of the Federal Travel Regulations (FTR) provides for payment of local transportation costs involved in obtaining meals in the following limited circumstances:

"1-2.3. Local transportation.

* * * * *

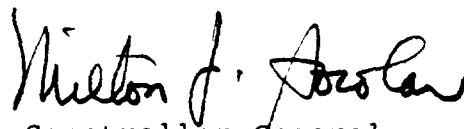
"b. To place where meals are obtained.
Where the nature and location of the work at a temporary duty station are such that suitable meals cannot be obtained there, the expense of daily travel required to obtain meals at the nearest available place may be approved as necessary transportation not incidental to subsistence. * * *"

Paragraph 1-3.1a of the FTR specifically provides that the use of taxicabs may be authorized or approved for local travel authorized under paragraph 1-2.3b.

Our decisions have stressed that the concept of suitability under the above regulation is not an individualized standard. If a restaurant, cafeteria or other facility at or near the temporary duty site offers meals adequate to the needs of most employees, the standard of suitability is met and an employee who prefers or requires different meals would not be entitled to transportation expenses for the purpose of accommodating his particular dietary needs or desires. The regulation does not make any exception for restaurant service or variety, nor does it recognize individual diet requirements. If an employee is not satisfied with the restaurants at or near her temporary duty station or lodgings, she may, at her own expense, go elsewhere. Special meals or desires as to service and variety are personal and are not incident to official business, and the employee may not be reimbursed for such travel expenses. Robert B. Giknis, B-187248, March 1, 1977; George E. Townsend, B-195226, August 10, 1979; and Jeffrey Israel, B-209763, March 21, 1983.

We find that Ms. Embry has failed to set forth sufficient justification for us to conclude that her taxicab expenses were due to necessity as opposed to personal preference.

Accordingly, we affirm the Claims Group's denial of this claim.



Acting Comptroller General
of the United States